REMARKS

Posture of the case

Claims 1-21 were originally submitted. In reply to a first Office action, certain ones of the claims were amended, and claims 5, 12 and 19 were canceled, and new claims 22-24 were added. The present Office action, is a final rejection in which claims 1-4, 6-11, 13-18 and 20-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Aycock et al (u.8 5,765,138), a newly cited reference.

Action by Applicant herein

Applicant herein submits arguments traversing the rejections and also submits amendments to independent claims 1, 8 and 15 and remarks to further distinguish the invention. Applicant also cancels claims and amends certain dependent claims to conform them to the amendments to claims 1, 8 and 15.

Arguments

The cited art does not teach or suggest that a survey is provided in a form that is "for displaying by browsers of the supplier computer systems," nor that the programming instructions sent for receipt of the supplier computer systems are "for . . . execution as applets by the browsers," nor that the programming instructions sent for receipt of the supplier computer systems are "for causing the supplier computer systems to return supplier survey answers to a server responsive to the applets processing user inputs and the survey questions," nor that "the answers are defined in a certain format as data elements included in responding documents."

Aycock teaches surveys may be downloaded by suppliers as protected data files or as executable code. Aycock, col. 3, lines 64-66. This is taught in the following context:

> *The system may also include a supplier interface enabling a supplier to send and receive information to the supplier evaluation system. The supplier interface enables a supplier to electronically download the RFP/RFQ, which may be in the form of an executable code or a protected data file. The supplier interface may also enable the supplier to electronically upload the supplier responses to the supplier evaluation system. In addition, the supplier*

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interface may allow a supplier to selectively access the databases of the supplier evaluation system in order to receive information on existing vendor performance reports or product updates, as well as download specifications relevant to the particular RFP/RFQ.

Aycock, col. 3, lines 62 - col. 4, line 6.

The completed RFP/RFQ in step 16 is disseminated to suppliers that desire to be qualified as vendors for the identified project. The completed RFP/RFQ is received from the supplier in step 18, and includes the supplier responses to the RFP/RFQ requirements in step 16. As discussed in detail below with respect to FIG. 4, the supplier responses may be in written form, or may be electronically stored on a tangible medium, such as a floppy diskette, a non-volatile memory card, or other type of device.
After the completed RFP/RFQ including the supplier responses is received from the supplier in step 18, the supplier responses to the maturity questions are analyzed in step 20. As discussed above with respect to step 14, certain maturity requirements have different levels of relevance to the project objectives. Thus, each of the maturity questions are assigned a weight value corresponding to the relevance of the maturity questions to the project objective.

Aycock, col. 6, lines 5-21.

According to the preferred embodiment, the maturity questions applied to the RFP/RFQ in step 16 are written in an objective format, such as "yes" or "no" type questions, or asking the supplier to select a response "A-E" that best represents the suppliers capabilities. The supplier responses are then scored based upon an objective evaluation of the responses. For example, for "yes" or "no" type of responses, a supplier response may receive a predetermined point value. Thus, if a supplier answers "no", or does not provide a response, the supplier would receive a score of "0" for that particular maturity question. If, however, the supplier responds with a "yes", then the supplier would be awarded a score of "1" for the score for that question.

Aycock, col. 6, lines 55-67.

Although the above passages make no mention of browsers or applets, the Office action relies on these passages for teaching "sending survey questions as question sets, including answers for user input selection, for receipt by supplier computer systems and for displaying by browsers of the supplier computer systems" and "sending programming instructions for receipt and execution as applets by the browsers of the supplier computer systems, the instructions being for causing the supplier computer systems to return supplier survey answers to a server responsive to the applets processing user inputs and the survey questions," as claimed.

Aycock does make passing mention of *executable code* once in these passages. Aycock does not elaborate upon this mention of "executable code." Applicant has searched through the entire Aycock disclosure and has found no elaboration about this mention of executable code. What Aycock does teach is that the survey is preferably a template file that is a read only data file. Aycock, col. 13, lines 16-17. The data from the template file is provided to a word processing system on the supplier's computer. Aycock, col. 13, lines

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21-27. The word processing system generates the graphic user interface to present the requirements and questions to the supplier. Aycock, col. 13, lines 21-27. Aycock teaches suppliers respond to surveys either in writing or by sending electronic files. Col. 6, lines 5-13. Or the response files may be uploaded by the evaluator. Col. 3, line 66 - col. 4, line 2. The responses may be word processing-based response files. Col. 13, lines 8-9.

It is clear that Aycock does not meet all the claim limitations. In particular, Aycock does not teach, or even suggest, the survey questions and answers that are sent are "*for displaying by browsers* of the supplier computer systems," as claimed (emphasis added). Likewise, Aycock does not teach, or even suggest, that programming instructions sent for receipt of the supplier computer systems are "for . . . execution *as applets by the browsers*," as claimed (emphasis added). All the more certainly, Aycock does not teach, or even suggest, that the programming instructions sent for receipt of the supplier computer systems are "for causing the supplier computer systems to return supplier survey answers to a server *responsive to the applets processing user inputs and the survey questions*," as claimed (emphasis added). Indeed, Applicant is unable to find any mention by Aycock of "browser" or "applet."

In addition to the failure of Aycock to meet the claim limitations, Aycock *teaches away* from what is claimed. In one specific, Aycock teaches that a *word processing system* provides the presentation interface, i.e., presents survey questions to the supplier, not a browser, as claimed. Aycock, col. 13, lines 21-27.

Thus, not only does Aycock fail to meet the claim limitations, but the cited teaching of Aycock does not even merely *suggest* that a survey is provided in a form that is "for displaying by browsers of the supplier computer systems," nor that the programming instructions sent for receipt of the supplier computer systems are "for . . . execution as applets by the browsers," nor that the programming instructions sent for receipt of the supplier computer systems are "for causing the supplier computer systems to return supplier survey answers to a server responsive to the applets processing user inputs and the survey questions," as claimed.

Claim 1 also states that "*the answers are defined in a certain format as data elements included in responding documents.*" The Office action relies upon teachings by Aycock about scoring answers and about answers being in the form of a word processing document for this

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claimed feature. However, neither scoring of answers, nor setting out answers in the form of a word processing document teaches or suggests defining answers in a format as data elements, as claimed.

> The cited art does not teach or suggest that sets of survey inputs are received "from evaluators by a first computer system, the evaluators being associated with an organization seeking suppliers, the evaluator survey input sets being received as evaluator response documents, the evaluator response documents being XML formatted documents having evaluator requirements or preferences defined as XML formatted data elements, wherein the evaluator requirement or preference data elements provide quantitative values and the evaluator inputs define evaluator requirement or preferences as quantitative values for the respective data elements, such a evaluator requirement quantitative value indicating a required or preferred amount for the corresponding data element."

To make the patentable distinctions of the present application even more clear, Applicant herein submits amendments to claims 1, 8 and 15, so that the claims now state sets of survey inputs are received "from evaluators by a first computer system, the evaluators being associated with an organization seeking suppliers, the evaluator survey input sets being received as evaluator response documents, the evaluator response documents being XML formatted documents having evaluator requirements or preferences defined as XML formatted data elements, wherein the evaluator requirement or preference data elements provide quantitative values and the evaluator inputs define evaluator requirement or preferences as quantitative values for the respective data elements, such a evaluator requirement quantitative value indicating a required or preferred amount for the corresponding data element." Among other things, this language makes more clear that the recited evaluator inputs are not from suppliers, as in the self-evaluation taught by Aycock that is relied upon in the rejection.

No new matter is added, since the original specification and claims provides support for these amendments. See original application, page 1, line 13 (organizations seeking suppliers, i.e., "evaluators"); Fig 1 (first computer 100); Fig. 1 (second computer 150); Fig. 3

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(evaluator response document 310); Fig. 3 (evaluator preference or requirement data elements 220.1, 220.2, etc.); page 6, line 6 - page 8, line 3 (Fig. 1 description); page 8, line 16 - page 9, line 12 (Fig. 3 description); claim 6 (as previously presented).

The cited art does not teach or suggest that survey questions are sent "as a question sets in a supplier survey document for receipt by a second computer system for a supplier organization and for displaying by a browser of the second computer system, wherein the supplier survey document is formatted as an XML document including information about answers for user input selection, the answer information including types of answers expected from the supplier organization and whether respective ones of the answers are dependent on respective other ones of the answers;" nor "sending an HTML formatted document including programming instructions, the instructions being for receipt and execution as an applet by the browser of the second computer system, wherein the survey questions are rendered in the browser by the browser executing the applet, such that for the rendering of the survey questions the applet parses the questions and the answers into data arrays stored in memory of the second computer system, and wherein the browser executing the applet causes the second computer system to return supplier survey answers to the first computer system as an XML formatted answer response document responsive to the applet processing user inputs and the survey questions, wherein the answers are defined as XML formatted data elements included in the answer response document, the answer data elements having strings of text surrounded by text markups, the text markups including tags describing the data elements;" nor "receiving, by the first computer system, rules input by the evaluator organization, wherein the rules define how supplier answers are combined with evaluator preferences or requirements and include weights for respective answers;" nor "evaluating the data

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elements by an evaluator process of the first computer system, wherein
the evaluating comprises: comparing the data elements to
corresponding ones of the evaluator requirements, wherein the
comparing produces quantitative correlations between respective
answer data elements and respective evaluator requirements or
preference."

The claims also now state that survey questions are sent "as a question sets in a
supplier survey document for receipt by a second computer system for a supplier organization
and for displaying by a browser of the second computer system, wherein the supplier survey
document is formatted as an XML document including information about answers for user
input selection, the answer information including types of answers expected from the supplier
organization and whether respective ones of the answers are dependent on respective other
ones of the answers." No new matter is added, since the original specification and claims
provides support for these amendments. See original application, page 7, lines 6-11 (the
supplier survey document is formatted as an XML document including information about
answers for user input selection, the answer information including types of answers expected
from the supplier organization and whether respective ones of the answers are dependent on
respective other ones of the answers.)

The claims also now recite "sending an HTML formatted document including
programming instructions, the instructions being for receipt and execution as an applet by the
browser of the second computer system, wherein the survey questions are rendered in the
browser by the browser executing the applet, such that for the rendering of the survey
questions the applet parses the questions and the answers into data arrays stored in memory of
the second computer system, and wherein the browser executing the applet causes the second
computer system to return supplier survey answers to the first computer system as an XML
formatted answer response document responsive to the applet processing user inputs and the
survey questions, wherein the answers are defined as XML formatted data elements included
in the answer response document, the answer data elements having strings of text surrounded
by text markups, the text markups including tags describing the data elements." No new
matter is added, since the original specification and claims provides support for these

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amendments. See original application, page 6, lines 6-9 & 15-18, page 7, lines 15-18 (sending an HTML formatted document including programming instructions, the instructions being for receipt and execution as an applet by the browser of the second computer system, wherein the survey questions are rendered in the browser by the browser executing the applet, such that for the rendering of the survey questions the applet parses the questions and the answers into data arrays stored in memory of the second computer system); page 7, line 1 - page 8, line 15 (the browser executing the applet causes the second computer system to return supplier survey answers to the first computer system as an XML formatted answer response document responsive to the applet processing user inputs and the survey questions, wherein the answers are defined as XML formatted data elements included in the answer response document, the answer data elements having strings of text surrounded by text markups); and page 7, lines 8-13 (describing XML document defining data elements with strings of text, etc.).

The claims also now recite "receiving, by the first computer system, rules input by the evaluator organization, wherein the rules define how supplier answers are combined with evaluator preferences or requirements and include weights for respective answers." They also recite "evaluating the data elements by an evaluator process of the first computer system, wherein the evaluating comprises: comparing the data elements to corresponding ones of the evaluator requirements, wherein the comparing produces quantitative correlations between respective answer data elements and respective evaluator requirements or preference." No new matter is added, since the original specification and claims provides support for these amendments. See original application, Fig. 6 (described at page 10, line 10 - page 11, line 18) and Fig. 5 (described at page 11, line 19 - page 13, line 13).

Among other things, the language from the claims that is set out in the three paragraphs immediately above makes more clear that the particular formatting for and display of survey questions, and the particular formatting and processing of answers as recited in the claims of the present application are not taught or suggested by the art relied upon in the rejection. And this language makes more clear that the survey inputs from evaluators are different from those relied upon for the rejection that are taught by Aycock, particularly since the survey inputs are received and compared to answers by the first computer, whereas the answers are selected by the supplier and returned by the supplier's computer (second

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computer). The "survey inputs" recited in this aspect of the claims of the present application
define requirements or prerequisites of the organization seeking a supplier. The above
language also makes more clear how the claimed invention differs from the relied upon art in
that the step of receiving survey inputs from the organization seeking a supplier is not the
same as the step of evaluating supplier answers (which includes comparing answers to
requirements or preferences). By contrast, the teaching relied upon in Aycock for the
rejection regarding receiving survey inputs concerns receiving or evaluating supplier inputs.

> The cited art does not teach or suggest "combining the correlations
> responsive to the weights and the received rules, wherein one of the
> correlations is defined as (10 - (absolute value (one of the answer data
> elements - the answer data element's respective evaluator requirement
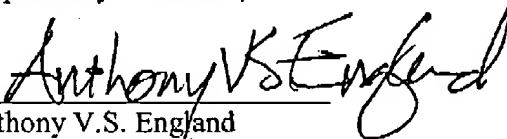> or preference data element))) / 10."

The claims also now recite "combining the correlations responsive to the weights and
the received rules, wherein one of the correlations is defined as (10 - (absolute value (one of
the answer data elements - the answer data element's respective evaluator requirement or
preference data element))) / 10." The art relied upon for the rejection does not teach or
suggest this. No new matter is added, since the original specification and claims provides
support for these amendments. See original application, page 10, line 19 - page 11, line 4.

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REQUEST FOR ACTION

For the above reasons, Applicant contends the invention as set out in the claims herein above is patentably distinct, including claims 3, 4, and 7, claims 10, 11, and 14, and claims 17, 18, and 21, which are allowable, although not discussed herein above, at least because they depend on respectively allowable independent claims. Applicant requests that Examiner grant allowance and prompt passage of the application to issuance.

Respectfully submitted,

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